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HIGH COURT OF CHHATTISGARH: BILASPUR

Misc. Civil Case No. 226 of 2005

Applicant	Ashok Kumar Chandrawanshi
	Versus
Respondents	State of Chhattisgarh and others

Post for order: 23rd-4-2007

Sd/-
Satish K. Agnihotri
Judge

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HIGH COURT OF CHHATTISGARH; BILASPUR

Misc. Civil Case No. 226 of 2005

Applicant
Respondent No.5

Ashok Kumar Chandrawanshi, Sarepanch of Gram Panchayat, Makri, S/o. Babu Ram, Aged about 40 years, R/o. Village & Gram Panchayat – Makri, Tahsil – Pandariya, Dist. Kawardha (Kabirdham) (CG).

Versus

Respondents

1) State of Chhattisgarh through its Secretary, Department of Panchayat Community Welfare, Mantralaya, D.K.S. Bhawan, Raipur, (CG). (Respondent /Respondent no.1)

2) Commissioner, Raipur, Division, Raipur, CG. (Respondent/Respondent no.2)

3) Collector, Distt. Kawardha (Kabirdham) (CG). (Respondent./Respondent no.3)

4) Sub Divisional Officer (Revenue) Pandariya, Dist. Kawardha (Kabirdham) (CG), (Respondent/Respondent no.4).

5) Smt. Urvarshi, W/o. Shri Mahendra Satnami, Aged about 30 years, R/o. Village Kunda, Tahsil – Pandariya, Distt.. Kawardha (Kabirdham) (CG), (Respondent/Petitioner)

(Application to review the courts order dated 14-9-2005 passed by this Hon'ble Court in W.P.No.509/2002 (Smt. Urvarshi V/s. State of Chhattisgarh and others)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:

Shri Manindra Shrivastava Sr. Advocate with Shri Amit Verma, counsel for the petitioner.

Shri V.V.S. Murthy, Deputy Advocate General for respondents No. 1 to 4/State.

Ku. Sharmila Singhai, counsel for respondent No.5.

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ORDER
(Passed on 23rd April, 2007)

By this application, the petitioner seeks review/modification of the order dated 14-9-2005 passed by this Court in Writ Petition No.509/2002

2. The facts, in nutshell, are that the respondent No.5 filed a writ petition being Writ Petition No.509/2002. This Court vide order dated 17-12-2004 passed the following order.

> "**17-12-2004**
> Sushri Sharmila Singhai, Adv. for the petitioner.
> Shri Satish Gupta, Dy. Govt. Advocate for the State.
> Shri P.P. Sahu, Adv. for the respondent no.5.
> Heard.
> It is submitted that the dismissal of the petitioner is based on a resolution and now the resolution has been passed for taking back her in service.
> If that be so, it is open to the Gram Panchayat to proceed with the matter in accordance with law and the petitioner may make a representation. Proper orders may be passed by the Panchayat if so desire without prejudice to the rights of respective parties.
> List the matter after a month."

3. Pursuant to the order dated 17-12-2004, the Chef Executive Officer, Janpad Panchayat, Pandariya, passed the following order dated 26-5-2005 which was annexed in the petition as Annexure C/2.

> *प्रति,*
> *सरपंच,*
> *ग्राम पंचायत,माकरी*
> *विषयः— उर्वशी दिनकर निवासी ग्राम माकरी (कुण्डा) का सचिव पद पर नियुक्ति एवं पदभार बाबत्।*
> *संदर्भः— माननीय उच्च न्यायालय छ0ग0 बिलासपुर के आदेश क0—डब्ल्यू. पी. 509/2 दिनांक—17/12/2004.*

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उपरोक्त संदर्भित विषयांतर्गत आवेदिका उर्वशी दिनकर निवासी ग्राम मारकी (कुंडा) के संदर्भित आवेदन पत्रों के माध्यम से माननीय कलेक्टर महोदय कबीरधाम एवं उप संचालक,पंचायत एवं समाजकल्याण जिला–कबीरधाम द्वारा उक्त संबंध में आवश्यक कार्यवाही हेतु निर्देश प्राप्त हुआ है तथा उक्त संबंध में माननीय उच्च न्यायालय के आदेश परिपालन हेतु आपको इस ज्ञापन के माध्यम से निर्देशित किया जाता है। कि उर्वशी दिनकर की नियुक्ति सचिव,ग्राम पंचायत, माकरी के पद पर पदभार ग्रहण एवं प्रभार के संबंध में ग्राम पंचायत माकरी द्वारा की गयी कार्यवाही के संबंध में 07 दिवस के भीतर इस कार्यालय को सूचित करें।

संलग्नः– उपरोक्त संदर्भित आवेदनों की प्रति
की छायाप्रति।

मुख्य कार्यपालन अधिकारी,
जनपद पंचायत पंडरिया

4. In view of the above stated order passed by the Chief Executive Officer, this Court, after hearing all the parties including the review applicant, disposed of the matter finally directing the applicant i.e., Sarpanch, Gram Panchayat, Makri, Janpad Panchayat, Dist. Kawardha, to comply with the order dated 26-5-2005 passed by the Chief Executive Officer, Janpad Panchayat, within a period of two weeks from the date of receipt of the copy of this order.

5. Sarpanch, Gram Panchayat, Makri, was through out represented in the writ petition and at no stage the applicant took an objection that the resolution dated 16-3-2005 was in fact never passed. In the present application, the applicant has taken this stand for the first time which cannot be entertained at this stage when two orders dated 17-12-2004 and 14-9-2005 were passed by this Court. Thus, there is no apparent error on the face of record which requires review of the order dated 14-9-2005 sought to be reviewed in this application.

6. However, having regard to the facts and circumstances of the case, if in fact, no resolution was passed, the applicant is granted liberty

to the effect that the orders passed by this Court will not come in the way of initiating any appropriate action against the concerned employee by holding appropriate enquiry and passing appropriate order in the matter.

6. Thus, in view of the foregoing, Misc. Civil Case is accordingly disposed of.

Sd/-
Satish K. Agnihotri
Judge

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